

**ASSEMBLY BILL**

**No. 963**

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**Introduced by Assembly Member Valadao**

February 18, 2011

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An act to add Section 21080.43 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 963, as introduced, Valadao. Environmental quality: California Environmental Quality Act (CEQA) exemption: substitution for contaminated groundwater.

(1) The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA exempts certain specified projects from its requirements.

This bill would exempt a project undertaken to allow for the substitution of a source of surface water for a source of groundwater deemed to be contaminated if the source of contaminated groundwater is serving an economically disadvantaged community of less than 3,000 residents. Because a lead agency would be required to determine whether

a project falls under this exemption, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 21080.43 is added to the Public Resources  
2     Code, to read:  
3     21080.43. This division does not apply to a project undertaken  
4     to allow for the substitution of a source of surface water for a  
5     source of groundwater deemed to be contaminated if that source  
6     of contaminated groundwater is serving an economically  
7     disadvantaged community of less than 3,000 residents.  
8     SEC. 2. No reimbursement is required by this act pursuant to  
9     Section 6 of Article XIII B of the California Constitution because  
10    a local agency or school district has the authority to levy service  
11    charges, fees, or assessments sufficient to pay for the program or  
12    level of service mandated by this act, within the meaning of Section  
13    17556 of the Government Code.